

15866 U.S.P.  
032604

**(DO NOT USE FOR CIPs)**

☐ Continuation )  
☐ Divisional ) application under 37 CFR 1.53(b)(1)  
☒ Divisional )  
 application under 37 CFR 1.53(b)(1)  
 of pending prior application of

Examiner: R. P. Swartz

|                    |               |              |
|--------------------|---------------|--------------|
| Parent Appln. No.: | 09            | 837,797      |
|                    | Series Code ↑ | Serial No. ↑ |

|            |         |            |
|------------|---------|------------|
| Atty. Dkt. | 0308988 | Lin        |
|            | New C-M | Client Ref |

Parent Filed: April 17, 2001  
This Appln. Filed: March 26, 2004

Title: **METHODS FOR MANIPULATING UPPER GASTROINTESTINAL TRANSIT, BLOOD FLOW, AND SATIETY, AND FOR TREATING VISCERAL HYPERALGESIA**

Date: March 26, 2004  
(Parent Matter No. 81476-0306897)

**To effect the above-requested filing today:**

☒ Abstract

☒ Specification and claims (76 pages) (**must be attached**)

☒ Drawings (**must be attached if originally filed**): 6 sheet(s)/set: ☒ 1 set informal;  
☒ Formal of size ☐ A4 ☒ 11"

(1) ☒ Copy of Signed declaration or oath as originally filed in prior application attached

(2) ☐ NO declaration or fee is enclosed; therefore, this is a filing under Rule 53(f).

|    |                      |    |  |
|----|----------------------|----|--|
| 1. | <b>Mark Pimentel</b> | 2. |  |
| 3. |                      | 4. |  |
| 5. |                      | 6. |  |
| 7. |                      | 8. |  |

|                        |          |
|------------------------|----------|
| 1. <u>Henry C. Lin</u> | 2. _____ |
| 3. _____               | 4. _____ |
| 5. _____               | 6. _____ |
| 7. _____               | 8. _____ |

3. The entire disclosure of the prior application is considered as being part of the disclosure of the accompanying application and is hereby incorporated therein by reference thereto.

4. ☐ Priority is claimed under 35 U.S.C. 119/365 based on filing in \_\_\_\_\_ of \_\_\_\_\_ (country)  
Application No. \_\_\_\_\_ Filing Date \_\_\_\_\_ Application No. \_\_\_\_\_ Filing Date \_\_\_\_\_  
(1) \_\_\_\_\_ (2) \_\_\_\_\_  
(3) \_\_\_\_\_ (4) \_\_\_\_\_  
(5) \_\_\_\_\_ (6) \_\_\_\_\_

a. ☐ \_\_\_\_\_ (No.) Certified copy/copies attached.

b. ☐ Certified copy/copies previously filed on \_\_\_\_\_ in \_\_\_\_\_  
U.S. Application No. \_\_\_\_\_ / \_\_\_\_\_, filed on \_\_\_\_\_  
series code  $\uparrow$  serial no.  $\uparrow$

c. ☐ Certified copy/copies filed during International stage of PCT/ \_\_\_\_\_ / \_\_\_\_\_

4. (a) ☐ Domestic priority is claimed from PCT/ \_\_\_\_\_ / \_\_\_\_\_, filed \_\_\_\_\_

(b) ☐ Benefit is claimed of Provisional Application No. 60/\_\_\_\_, filed \_\_\_\_.

5. ☒ Prior application is assigned to Cedars-Sinai Medical Center

by assignment recorded August 10, 2001 Reel 012084 Frame 0559  
(Date)

6. ☒ Attached is the following number of Assignments (including original and all later successive ones by different assignors): 1 and respective **new** Cover Sheets. (Do **NOT** file old cover sheets.)

(Assignments in parent **must be refiled** with new Cover Sheets in this continuing application if you want it/them recorded against the continuing application.)

Please return the recorded Assignment to the undersigned.

7. ☒ The power of attorney in the prior application is to Pillsbury Winthrop LLP

(Name and Reg. No.) Richard H. Zaitlen Reg. No. 27,248

whose current address is as in item 8 below.

a. ☒ Recognize as associate attorney Seth D. Levy, Reg. No. 44,869

(Name, Reg. No. and Address)

8. **Address all future communications to Intellectual Property Group of Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406.**

9. This application claims benefit of the following prior US application(s), the contents of which are incorporated into this application by this reference:

|     |             |                |       |                         |
|-----|-------------|----------------|-------|-------------------------|
| No. | <u>09 /</u> | <u>837,797</u> | filed | <u>April 17, 2001</u>   |
| No. | <u>09 /</u> | <u>546,119</u> | filed | <u>April 10, 2000</u>   |
| No. | <u>09 /</u> | <u>420,046</u> | filed | <u>October 18, 1999</u> |
| No. | <u>09 /</u> | <u>359,583</u> | filed | <u>July 22, 1999</u>    |
| No. | <u>08 /</u> | <u>832,307</u> | filed | <u>April 3, 1997</u>    |
| No. | <u>08 /</u> | <u>442,843</u> | filed | <u>May 17, 1995</u>     |

No. PCT/ \_\_\_\_\_ / \_\_\_\_\_ filed \_\_\_\_\_, which designated the U.S. and that International Application ☐ was ☐ was not published under PCT Article 21(2) in English

9(a). ☐ See the attached Preliminary Amendment, which amends the first page of the specification to claim benefit of the above listed US application(s)

10. **Small Entity Status** ☒ is **Not** claimed ☐ is claimed (pre-filing confirmation required):

(No.) Small Entity Statement(s) (not essential since 9/8/00) were/are:

☐ filed in above prior application

☐ attached.

11. Petition to extend the life of the above prior application to at least the date hereof (one box) ☐ is being concurrently filed in that prior application (Use Form PAT-111).

(must be) ☐ was previously filed in that prior application (Check length of prior extension).  
(X'd) ☒ is not necessary for copendency (**Double check** before X'ing this box).

12. ☐ **INFORMATION DISCLOSURE STATEMENT:** Attached is Form PTO-1449 listing all of the documents cited by Applicant and the PTO in the parent application(s) relied upon under 35 USC 120 and referenced in item 9 above. Per Rule 98(d) copies of those documents are not required now. Please consider those documents and advise that they have been considered in this new application as by returning a copy of the enclosed Form PTO-1449 with the Examiner's initials in the left column per MPEP 609.

13. ☐ Attached is a Rule 103(a) Petition to Suspend Action.

14. ☐ **Please see** the attached Preliminary Amendment which reduces the number of claims for purposes of reducing the initial filing fee.

#### FILING FEE

THE FOLLOWING FILING FEE IS BASED ON

-->>>> CLAIMS AS FILED AND CHANGED BY PRELIMINARY AMENDMENT IN ITEM 14 <<<<<<

**NOTE:** If box 1A2 is X'd, do not pay fees,  
but leave lines 15-22 and 27-32 blank.

**PTO: PLEASE NOTE CLAIM CANCELLATIONS IF BOX 14 ABOVE IS X'D.**

|  |                     |            |   | Large/Small<br>Entity     |              | Fee<br>Code |
|--|---------------------|------------|---|---------------------------|--------------|-------------|
| 15. Basic Filing Fee   | Design Application  |            |   | \$340/\$170               |              | 1002/2002   |
| 16. Basic Filing Fee   | Utility Application |            |   | \$770/\$385               | +770         | 1001/2001   |
| 17. Total Effective Claims   | 12                  | minus 20 = | 0 | x \$18/\$9                | +0           | 1202/2202   |
| 18. Independent Claims   | 5                   | minus 3 =  | 2 | x \$86/\$43               | +172         | 1201/2201   |
| 19. If any proper multiple dependent claim (ignore improper) is present, |                     |            |   | \$290/\$145               | +0           | 1203/2203   |
| 20.  |                     |            |   | <b>Subtotal =</b>         | <b>\$942</b> |             |
| 21. If "petition" box 13 above is X'd, add petition fee.                 | \$130               |            |   |                           | +0           | 1808        |
| 21A. If box 6 above is X'd, add Assignment recording fee                 | \$ 40               |            |   |                           | +40          | 8021        |
| 22.  |                     |            |   | <b>TOTAL FILING FEE =</b> | <b>\$982</b> |             |

(carry forward to Item 31)

**Our Deposit Account No. 16-1805**

|               |        |         |
|---------------|--------|---------|
| Our Order No. | 081476 | 0308988 |
|               | C#     | M#      |

**CHARGE STATEMENT:** Upon the filing of a Declaration pursuant to Rule 60(b) or 60(d), the Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown above for which purpose a duplicate copy of this sheet is attached.

**This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed.**

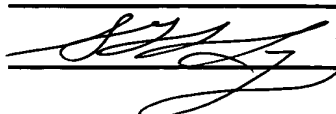
**Pillsbury Winthrop LLP  
Intellectual Property Group**

725 South Figueroa Street  
Suite 2800  
Los Angeles, CA 90017-5406  
Tel: (213) 488-7100

**By Atty: Seth D. Levy**

**Reg. No. 44,869**

**Sig:**



**Fax: (213) 629-1033  
Tel: (213) 488-7131**

**SDL/SBK  
Atty./Sec.**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

Henry C. LIN

Group Art Unit: 1645

Appln. No.: Unassigned

Examiner: R. P. Swartz

Filed: March 26, 2004

Atty Dkt: 81476-308988

C# M#

Title: **METHODS FOR MANIPULATING UPPER  
GASTROINTESTINAL TRANSIT, BLOOD FLOW, AND  
SATIETY, AND FOR TREATING VISCERAL HYPERALGESIA**

CERTIFICATE OF MAILING VIA U.S. EXPRESS MAIL

Express Mail Label No. EV 330955398 US

Date of Deposit: March 26, 2004

Mail-Stop PATENT APPLICATION

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450


Dear Sir:

I hereby certify that the following documents:

- X Request for Filing Divisional Application
- X Patent application (76 pages of specification; 1 page abstract; 12 claims)
- X Check in the amount of \$942 to cover the filing fees
- X Assignment and cover sheet, plus check for \$40 for recordation fee
- X Copy of original Declaration (as filed in parent application)
- X Copy of Power of Attorney by Assignee and Revocation of Prior Powers  
(as filed in parent application)
- X Request for Removal of Small Entity Status
- X 6 sheets of formal drawings
- X Return postcard

are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service with sufficient postage under 37 CFR 1.10 on the date indicated above and are addressed to: Mail-Stop PATENT APPLICATION, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: March 26, 2004

  
Sherry B. Kolber

**CERTIFICATE OF MAILING BY FIRST CLASS MAIL (37 CFR 1.8)**

Applicant(s): LIN ET AL.

Docket No.

18810-81652

Serial No.

09/837,797

Filing Date

April 17, 2001

Examiner

UNASSIGNED

Group Art Unit

--

Invention:

**METHODS OF DIAGNOSING AND TREATING SMALL INTESTINAL BACTERIAL OVERGROWTH (SIBO)  
AND SIBO-RELATED CONDITIONS**

I hereby certify that this Verified Statement Claiming Small Entity Status*(Identify type of correspondence)*

is being deposited with the United States Postal Service as first class mail in an envelope addressed to: The

Assistant Commissioner for Patents, Washington, D.C. 20231 on

August 6, 2001*(Date)*Ann Weiss*(Typed or Printed Name of Person Mailing Correspondence)*  
*(Signature of Person Mailing Correspondence)***Note: Each paper must have its own certificate of mailing.**

